S.B. CIVIL WRIT PETITION NO.3408/2007.

Balbir Singh
Vs.
General Manager RIICO & Anr.

Date of Order:- 17/5/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Ravi Shankar Sharma for petitioner.

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Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 10/4/2007 whereby the learned trial court declined to issue injunction against the respondents restraining them from putting the disputed Plot No.CC-11 measuring 5740 sq.mtrs. to auction. The said order was upheld by the learned Additional District Judge Behror while dismissing the appeal of the petitioner on 26/4/2007. Both the courts below have concurrently found that the highest bid of Jitendra Yadav of the same plot was Rs.21,000/- per sq.mtr. whereas the bid of the petitioner was second highest @ Rs.8000/- per sq.mtr. It was also found that amount of Rs.4,13,280/- as earnest

money deposited by the highest bidder Jitendra Yadav was forfeited. Learned counsel for the petitioner argued that when the bid of the highest bidder was forfeited then, the bid of the petitioner should be accepted being the second highest bid but instead, the respondents have decided to put the plot to auction again. It was argued that the petitioner has deposited 10% of the bid amount amounting to Rs.20,70,000/- therefore, there was no reason for the respondents to have proceeded to hold another auction.

Having heard learned counsel for the petitioner and gone through the impugned-order, it is noticed that neither of the courts below have found a prima-facie case in favour of the petitioner. In fact, the courts below noted that according to Condition No.18 of the Notice Inviting Tenders (N.I.T.), the RIICO reserved its right to either accept or reject the bid of any person. When in the present case, petitioner was not highest SBCWP NO.3408/2007

bidder but he was the second lowest bidder and there being a huge difference of Rs.13000/- or Rs.8000/- sq.mtr. the bid given by the petitioner and Rs.21,000/- which was the highest bid, the action of the respondents in deciding to put the plot to auction again cannot be said to be lacking in bonafides or otherwise illegal. If the petitioner, has deposited 10% of the bid amount, he can claim refund of the same from the respondents.

I do not find any merit in this petition. The writ petition is accordingly dismissed in limine.

(MOHAMMAD RAFIQ), J.

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